



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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CITY ATTORNEY URGES MAYOR TO DOCKET FURTHER WAIVER OF ATTORNEY-CLIENT PRIVILEGE

San Diego, CA: City Attorney Michael Aguirre today urged Mayor Dick Murphy to docket for City Council consideration on Tuesday, May 24, a further waiver of the attorney-client privilege for items requested by the District Attorney's Office related to its criminal investigation of the San Diego City Employees Retirement System.

The District Attorney has requested the City Council to waive the attorney-client privilege and attorney work-product doctrine with respect to a report created for the City by outside counsel Luce, Forward, Hamilton & Scripps concerning pension benefits, and to e-mails sent or received by Cathy Lexin, Mary Vattimo, Terri Webster, Sharon Wilkinson, John Torres, and Ronald Saathoff for the time period from November 1, 2001 to the present.

"There is no work more important to the health and viability of the City of San Diego than the resolution of the investigations into City of San Diego financial improprieties," said City Attorney Michael Aguirre. "Every effort should be made to get the information to the investigators."

In the past the City Council has waived the attorney-client privilege and the protection of the attorney work-product doctrine with respect to documents subject to subpoenas or requested by agencies investigating the financial affairs of the City.

On March 23, 2005, the San Diego County District Attorney's Office requested e-mails and other documents for its investigation. The City has been cooperating with the District Attorney's investigation and has surrendered a variety of documents, but nothing subject to any privilege. The Attorney-Client privilege may be asserted by either the attorney or the client, but may only be waived by the client, in this case the Mayor and City Council acting on behalf of the City.

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